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Customer Number

Patent  
Case No.: 57260US003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: BURTON, SCOTT A.  
Application No.: 10/728577 Confirmation No.: 8901  
Filed: December 5, 2003  
Title: POLYMER COMPOSITIONS WITH BIOACTIVE AGENT, MEDICAL  
ARTICLES, AND METHODS

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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR § 1.121)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</b>	
I hereby certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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<input checked="" type="checkbox"/>	transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.
April 23, 2009	/Chris Johnson/
Date	Signed by: Chris Johnson

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment (37 CFR § 1.121), dated March 23, 2009, in the above-identified application.

The Amendment filed on January 2, 2009, was said to be non-compliant due to inadvertently omitting the election of species requirement. In accordance with the instructions in the Notice dated March 23, 2009, the election of species requirement is herewith submitted.

Fees

- ☐ Any required fee will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.17 which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.